IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

DATE OF DECISION: 19.3.2009

Krishna Sharma **...Petitioner**

VERSUS

State of Punjab & Others **…Respondents**

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Sameer Sachdeva, Advocate for the petitioner

Ms.Charu Tuli, Sr. DAG, Punjab

Permod Kohli, J. (Oral)

Petitioner's husband, late Manohar Lal Sharma was a government servant and retired from Department of Education as Lecturer (English) from Sr.Secondary School, Lambi on 30.9.1994. After his retirement, he was drawing pension from the State Government. In the year 2002, it was detected that he was suffering from Cancer and was treated at various places, including Apollo Hospital, New Delhi. Despite medical treatment, he died on 16.10.2002. The petitioner lodged claim for medical reimbursement for an amount of Rs.1,21,600/- for the period from 13.9.2002 to 21.9.2002 when he was an indoor patient in Apollo Hospital. Another bill for Rs.38,185/- for medical treatment in the same Hospital was also submitted. It appears that the petitioner submitted the bills after few

years from the date of treatment. The claim of the petitioner has been rejected vide order dated 17.4.2008 (Annexure P-8) which reads as under:-

> "With reference to the above subject the bills to the deceased employee pertain to the period 13.9.2002 to 21.9.2002 and 10.10.2002 to 12.10.2002 which have been received in this office on 3.12.2005. As per Govt. Instructions, the bills have to be sent within 6 months. As per instructions, the above said bills cannot be approved and are returned in original."

Even the aforesaid order is not addressed to the petitioner. The petitioner has accordingly challenged the aforesaid order (Annexure P-8) in the present petition.

The respondents in the reply have reiterated the same stand as is taken in the impugned order. There has been some correspondence between the parties. The question of delay has been considered by a Division Bench of this Court in the case of **Baljinder Kaur vs. State of Punjab and others, 2008(2) SCT 820** wherein it has been observed as under:-

> "7.We do not agree with the objection taken by the respondents while submitting their written statement and hold that question of limitation does not arise in the case in hand in the prevailing circumstances. We also find that the decision rendered in Rajwant Kaur's case (supra) is fully applicable in the present case. Moreover, learned the respondents could not cite any judgment to the contrary."

In view of the ratio of the aforesaid judgment, the impugned order is not sustainable in law. There is no averment in the reply that the claim of the petitioner is not genuine. In the above background, this petition is

allowed. The impugned order 17.4.2008 (Annexure P-8) rejecting the claim of the petitioner for medical reimbursement is hereby quashed and resultantly, the respondents are directed to release the admissible claim of the petitioner for medical reimbursement in accordance with the bills submitted by her, after verification of the bills and the treatment received by the deceased husband of the petitioner within a period of three months from the date a certified copy of this order is received by the competent authority.

(PERMOD KOHLI)
JUDGE

19.3.2009
MFK

NOTE:Whether to be referred to Reporter or not:YES